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Attorney for the United States

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ALASKA

PAUL G. SHEARER)	
)	
Plaintiff,)	
)	
V.)	3:03-cv-0263-CV-JKS
)	(Consolidated)
UNITED STATES OF AMERICA,)	
DIRK KEMPTHOPNE, Secretary of)	
the Interior, the DEPARTMENT)	
OF THE INTERIOR, the NATIONAL)	MOTION OF THE UNITED STATES
PARK SERVICE.)	FOR ENLARGEMENT OF TIME
)	
Defendants.)	
)	

The United States of America, Dirk Kempthorne, Secretary of the Interior; the Department of the Interior; and the National Park Service, move the Court for an order granting them to and including September 18, 2007, in which to file a response to the Second Amended Complaint (Docket Entry No. 114).

In support of the above motion, the United States shows:

1. Pursuant to the Order (Docket Entry No. 110), plaintiff Paul G. Shearer was granted leave to file a Second Amended Complaint. This order at 3 provides that the Government may present any objections to this complaint in a motion to dismiss. The Second Amended Complaint (Docket Entry No. 114) was served

on defendants on April 6, 2007. Defendants' response to this complaint was due April 20, 2007. Defendants previously moved and/or were granted enlargement of times through and including July 20, 2007, in which to file a response to that complaint. See Docket Entry Nos. 115, 116, 117, and 119.

2. Defendants have extensive specific objections they wish to file to Second Amended Complaint. Given the extensive nature of Defendants objections, additional time was needed to prepare and file the appropriate motion to dismiss.

3. The parties have been in active settlement negotiations during this period of time, and have agreed (subject to formal approval by appropriate officials of the United States) in principle to the terms of settlement that would resolve most of the claims presented in the Second Amended Complaint (Docket Entry No. 114). The United States on July 12, 2007, sent Paul Shearer a draft of a proposed Settlement Agreement which it believes embodies the terms of the proposed settlement, and are waiting on Shearer's response to that draft. The United States believes that the additional time requested herein should provide sufficient time for the parties to agree on the language of a Settlement Agreement and obtain formal approval of that agreement by the appropriate officials within the Department of

Interior and the Department of Justice who have authority to approve a settlement.

Dated this 20th day of July 2007.

/s/ Dean K. Dunsmore
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of July 2007, a copy of the foregoing Motion of the United States for Enlargement of Time together with a Proposed Order were served by placing said copies in a postage prepaid envelope, addressed to that person at the place and address stated below, and by depositing said envelope and contents in the United States mail at Anchorage, Alaska.

Paul G. Shearer
Kathryn A. McCready
1532 Meadows Drive
Lake Oswego, Oregon 97034

/s/ Dean K. Dunsmore
Dean K. Dunsmore